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Attorneys for Defendant Countrywide Home Loans, Inc.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

11	DONNIE KNAULS,	) Case No.: 07-CV-2233-DMS (NLS)
12)
13	Plaintiff,	) Hon. Dana M. Sabraw
14		) Courtroom: 10
15	vs.)
16	WMC MORTGAGE,	) File Date: November 21, 2007
17	ASC/AMERICA'S SERVICING COMPANY )	) Trial Date: Not Assigned
18	MORTGAGE LENDERS NETWORK USA )	) NOTICE OF NON-RECEIPT OF
19	INC,	) OPPOSITION TO MOTION TO STRIKE
20	COUNTRYWIDE HOME LOANS,	) AND MOTION TO DISMISS
21)
22	Defendants.	) Date: May 23, 2008
23		) Time: 1:30 p.m.
24		Courtroom: 10

Defendant Countrywide Home Loans, Inc. ("Countrywide") has not received an opposition to its Motion to Strike portions of the First Amended Complaint filed by Plaintiff Donnie Knauls ("Knauls"). The hearings on the Motion to Strike and Motion to Dismiss are calendared for May 23, 2008, at 1:30 p.m., in Courtroom 10 of the above-entitled court.

Plaintiff Donnie Knauls was to file and serve his opposition by May 9, 2008. As of the date of this reply, Countrywide has not received any opposition to the Motion to Strike or the Motion to Dismiss.

Due to the failure to timely file and serve an opposition, an inference has been created

1 that the Motion to Strike and Motion to Dismiss are meritorious. In light of Plaintiff's failure to
2 oppose the motions, and for all the reasons set forth in the moving papers, Countrywide hereby
3 requests that its Motion to Strike and Motion to Dismiss be granted.

4
5 DATED: May 19, 2008

By: 

SANFORD SHATZ
Attorneys for Defendant
Countrywide Home Loans, Inc.

PROOF OF SERVICE

(C.C.P. section 1013a(3))

STATE OF CALIFORNIA)

) SS.

COUNTY OF LOS ANGELES)

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 5220 Las Virgenes Road, MS: AC-11, Calabasas, California 91302.

On May 19, 2008, I served NOTICE OF NON-RECEIPT OF OPPOSITION TO MOTION TO STRIKE AND MOTION TO DISMISS on all interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Donnie Knauls
2360 Cypress Avenue
Lemon Grove, CA 91945

Francis J. Cunningham, III
Cunningham & Treadwell
21800 Oxnard Street
Suite 840
Woodland Hills, CA 91367

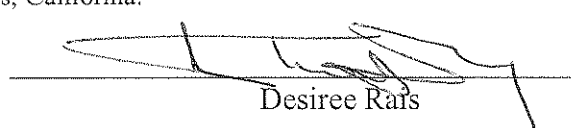
Laura Jane Petrie
28202 Cabot Road
Suite 300
Laguna Niguel, CA 92677

☒ (BY MAIL) On May 19, 2008, I placed said envelopes for collection and mailing, following ordinary business practices, at the business offices of Countrywide Home Loans, Inc., at the address set forth above, for deposit in the United States Postal Service. I am readily familiar with the practice of Countrywide Home Loans, Inc. for collection and processing of correspondence for mailing with the United States Postal Service, and said envelopes will be deposited with the United States Postal Service on said date in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY OVERNIGHT DELIVERY) On May __, 2008, I placed said envelopes for collection and mailing, following ordinary business practices, at the business offices of Countrywide Home Loans, Inc., at the address set forth above, for deposit with Federal Express with delivery fees provided. I am readily familiar with the practice of Countrywide Home Loans, Inc. for collection and processing of correspondence for mailing with Federal Express, and said envelopes will be deposited with Federal Express on said date in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FACSIMILE) On May __, 2008, by use of facsimile machine number 818-871-4669, I served a copy of the within document(s) on the above interested parties at the facsimile numbers as indicated. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California, that the above is true and correct. Executed on May 19, 2008, at Calabasas, California.


Desiree Raft